

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DON LIPPERT, *et al.*,

No. 10-C-4603

Plaintiffs,

v.

Honorable Jorge L. Alonso
Presiding Judge

J.B. PRITZKER, *et al.*,

Defendants.

**DEFENDANTS' MOTION FOR LEAVE
TO RESPOND AND SET BRIEFING SCHEDULE**

Defendants, J.B. Pritzker, Rob Jeffreys, and Dr. Steven Bowman, by and through their attorney, Kwame Raoul, Illinois Attorney General, hereby move for leave to respond to Plaintiffs' February 22, 2023 Motion for Hearing and Relief Concerning Dixon Correctional Center (Dkt. 1614) and ask that the court set the briefing schedule outlined below. In support, Defendants state as follows:

On February 22, 2023, Plaintiffs filed their Motion for Hearing and Relief Concerning Dixon Correctional Center ("Plaintiffs' Motion"). Dkt. 1614. Plaintiffs' Motion alleges a number of issues they believe are present at Dixon Correctional Center. *Id.* Plaintiffs' Motion then asks this Court to order Defendants to submit a plan to remedy any alleged violations at Dixon within 30-days or appoint a receiver to remedy these alleged violations. *Id.* at 12-13.

Plaintiffs' Motion is improper and Defendants disagree with many allegations contained therein. To start, the Decree outlines specific procedures that control any

disputes between the parties. See Dkt. 1557 at 26. Specifically, the Decree requires that,

If Plaintiffs believe that the Defendants are not in substantial compliance with any provision of this Decree, Plaintiffs shall provide the Defendants, in writing, specific reasons why they believe that the Defendants are not in substantial compliance with such provision or provisions, referencing the specific provision or provisions. Plaintiffs may not allege that the Defendants are not in Substantial Compliance based on minor or isolated delays in compliance. To the extent Plaintiffs rely on observations or opinions of the Monitor to support an allegation that the Defendants are not in substantial compliance, Plaintiffs shall make a reference to the written reports of the Monitor and to portions thereof which support Plaintiffs' belief.

Defendants shall provide Plaintiffs with a written response to the notification within thirty (30) days of its receipt.

Plaintiffs agree to advise Defendants of their acceptance or rejection of Defendants' response within seven (7) business days of its receipt. The parties shall meet to discuss and attempt to resolve any disputes addressed in the written submissions. The Defendants and Plaintiffs shall meet with fourteen (14) business days of Plaintiffs' rejection of Defendants' response, unless a later meeting is agreed to by both sides.

Id. at 26-27.

Plaintiffs failed to abide by this procedure. This is just one example of the problems with Plaintiffs' Motion. In order to fully advise the Court and address the issues contained within Plaintiffs' Motion, Defendants request the Court enter the following briefing schedule:

- Defendants to respond to Plaintiff's Motion by March 22, 2023; and
- Plaintiffs to reply by April 5, 2023 with a hearing on Plaintiffs' Motion to be held sometime thereafter.

WHEREFORE, Defendants respectfully request that the Court allow Defendants to respond to Plaintiff's Motion in writing, enter the briefing schedule outlined herein, and grant any further relief this Court deems proper and just.

Dated: February 27, 2023

Respectfully Submitted,

KWAME RAOUL
Attorney General of Illinois

/s/ Nicholas S. Staley
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